

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANTHONY MCGRUFF,
Plaintiff

v.

SUPERINTENDENT KAUFFMAN,
et al.,
Defendants

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No. 1:22-cv-01547
(Judge Rambo)

ORDER

AND NOW, on this 26th day of April 2023, upon consideration of pro se Plaintiff Anthony McGriff (“Plaintiff”)’s amended complaint (Doc. No. 35), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT**:

1. Plaintiff’s amended complaint is **PARTIALLY DISMISSED** for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii):
 - a. Plaintiff’s amended complaint is **DISMISSED** as to Plaintiff’s 42 U.S.C. § 1983 claims against Defendants Kauffman, Davis, Hobble, McCorkle, Tucker, Reihart, and Rivello;
 - b. Plaintiff is permitted to proceed on his Eighth Amendment deliberate indifference to medical care claim against Defendant Cousins;
2. The Clerk of Court is directed to **TERMINATE** all Defendants from the caption of the above-captioned docket, with the exception of Defendant Cousins;
3. The Clerk of Court is directed to **SERVE** a copy of the amended complaint (Doc. No. 35), notice of lawsuit and request to waive service of summons (form AO 398), waiver of the service of summons (form AO 399), and this Order on Defendant Cousins. In the interests of

efficient administrative judicial economy, the Court requests that Defendant Cousins waives service pursuant to Federal Rule of Civil Procedure 4(d); and

4. If service is unable to be completed due to Plaintiff's failure to properly name the Defendant or provide an accurate mailing address for the Defendant, Plaintiff will be required to correct this deficiency. Failure to comply may result in the dismissal of Plaintiff's claim against the Defendant pursuant to Federal Rule of Civil Procedure 4(m).

s/ Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge